

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[OH104-4; FRL-5948-6]

**Approval and Promulgation of Implementation Plans; Ohio Ozone Maintenance Plan****AGENCY:** United States Environmental Protection Agency (USEPA).**ACTION:** Direct final rule; Withdrawal.

**SUMMARY:** On May 14, 1997 USEPA published a direct final rule (62 FR 26396) approving, and an accompanying proposed rule (62 FR 26463) proposing to approve a revision submitted on July 9, 1996 and January 31, 1997, to the ozone maintenance plans for the Dayton-Springfield Area (Miami, Montgomery, Clark and Greene Counties), Toledo Area (Lucas and Wood Counties), Canton Area (Stark County), Ohio portion of the Youngstown-Warren-Sharon Area (Mahoning and Trumbull Counties), Columbus Area (Franklin, Delaware, and Licking Counties), Cleveland-Akron-Lorain Area (Ashtabula, Cuyahoga, Lake, Lorain, Medina, Summit, Portage, and Geauga Counties), Preble County, Jefferson County, Columbiana and Clinton Counties. The revision was based on a request from the State of Ohio to revise the federally approved maintenance plan for these areas to provide the State and the affected areas with greater flexibility in choosing the appropriate ozone contingency measures for each area in the event such a measure is needed. On June 13, 1997 (62 FR 32204) the USEPA delayed the effective date of this rule for 60 days to allow for a 60-day extension of the public comment period. In the proposed rules section of the June 13, 1997 **Federal Register** (62 FR 32257), USEPA announced a 60-day extension of the public comment period on these maintenance plans, until August 12, 1997. On August 12, 1997 (62 FR 43109), USEPA further delayed the effective date of the approval of these maintenance plans for an additional 120 days until January 9, 1998. In the proposed rules section of the August 12, 1997 **Federal Register** (62 FR 43140), USEPA extended the public comment period until December 10, 1997. The USEPA is withdrawing this final rule due to the adverse comments received on these actions. In a subsequent final rule, USEPA will summarize and respond to the comments received and take final rulemaking action on this requested Ohio SIP revision.

**DATES:** The direct final rule published at 62 FR 26396 is withdrawn January 9, 1998.

**ADDRESSES:** Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 5, Regulation Development Branch, 7 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** John Paskevicz, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Telephone: (312) 886-6084.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Volatile organic compounds.

Dated: December 31, 1997.

**Michelle D. Jordan,**

*Acting Regional Administrator, Region V.*

Accordingly, under the authority of 42 U.S.C. 7401-7671q, the direct final rule published on May 14, 1997 (62 FR 26396), the effective date of which was delayed on June 13, 1997 (62 FR 32204) and on August 12, 1997 (62 FR 43109), is withdrawn.

[FR Doc. 98-553 Filed 1-8-98; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 180**

[OPP-300597; FRL-5764-1]

**RIN 2070-AB78****Fenoxaprop-ethyl; Pesticide Tolerance**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes tolerances for the combined residues of fenoxaprop-ethyl [(±)-ethyl 2-[4-[(6-chloro-2-benzoxazolyl)oxy]phenoxy]propanoate] and its metabolites [2-[4-[(6-chloro-2-benzoxazolyl)oxy]phenoxy]propanoic acid and 6-chloro-2,3-dihydrobenzoxazol-2-one in or on the following raw agricultural commodities (RACs): cattle, fat, meat by-products (mbyp) and meat at 0.05 part per million (ppm); goats, fat, mbyp and meat at 0.05 ppm; hogs, fat, mbyp and meat at 0.05 ppm; horses, fat, mbyp and meat at 0.05 ppm; milk at 0.02 ppm; sheep, fat, mbyp

and meat at 0.05ppm; wheat, grain at 0.05, and wheat straw at 0.50 ppm. It also removes time-limited tolerances for residues of fenoxaprop-ethyl on the same commodities that expired on November 1, 1997. AgrEvo USA Company requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA) (Pub. L. 104-170).

**DATES:** This regulation is effective January 9, 1998. Objections and requests for hearings must be received by EPA on or before March 10, 1998.

**ADDRESSES:** Written objections and hearing requests, identified by the docket control number, [OPP-300597], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP-300597], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP-300597]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

**FOR FURTHER INFORMATION CONTACT:** By mail: Joanne I. Miller, Product Manager (PM) 23, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.